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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 LUKE BRUGNARA,

15 Defendant.
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Case No. 08-CR-00222 WHA

Case No. 14-CR-00306 WHA

**ORDER DENYING DEFENDANT'S
MOTION FOR RELEASE**

Re: Dkt. No. 359

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19 Luke Brugnara, detained after violating his pretrial release conditions, moves for
20 release from custody. A detention hearing may be reopened before trial “if the judicial
21 officer finds that information exists that was not known to the movant at the time of the
22 hearing and that has a material bearing on the issue whether there are conditions of release
23 that will reasonably assure the appearance of such person as required and the safety of any
24 other person and the community.” 18 U.S.C. § 3142(f). This same standard was applied to
25 Brugnara’s previous motion for reconsideration of detention. Dkt. No. 38, filed June 27,
26 2014.

27 The Court considered the information presented in Brugnara’s motion, a supplemental
28 “emergency” motion filed by Brugnara, the government’s opposition, and at an

1 approximately 70-minute hearing on April 1. Dkt. Nos. 359, 378, 381, 382. At the hearing
2 Brugnara represented himself, in full physical restraints, with attorney James Stevens
3 providing assistance for Brugnara to access his documents. *See* Dkt. No. 390 (summarizing
4 *Faretta* hearing and attorney Stevens' limited role in assisting Brugnara).

5 Brugnara's motion makes numerous assertions, but I find that none of them amount to
6 new information that has a material bearing on the issue of whether there are conditions of
7 release that will reasonably assure the appearance of such person as required and the safety
8 of any other person and the community. 18 U.S.C. § 3142(f). The motion repeats extensive
9 prior evidence and arguments made by Brugnara asserting that he is not a danger to the
10 community. Dkt. No. 8 (transcript of hearing before Magistrate Judge Corley, including
11 statements made by Brugnara, 5/28/2014); Dkt. No. 7 (detention order by Magistrate Judge
12 Corley); Dkt. No. 43 (transcript of 5/30/2014 hearing before Magistrate Judge Corley,
13 including statements made by Brugnara); Dkt. No. 44 (transcript of 6/11/2014 detention
14 hearing before Magistrate Judge Cousins, including statements made by Brugnara); Dkt. No.
15 12 (minutes of detention hearing 6/11/2014 before Magistrate Judge Cousins); Dkt. No. 15
16 (detention order, 6/13/2014); Dkt. No. 30 (Brugnara motion to revoke detention order); Dkt.
17 No. 31 (Brugnara motion to reconsider detention order); Dkt. No. 37 (hearing on Brugnara's
18 motion for reconsideration of detention, 6/27/2014); Dkt. No. 45 (7/9/2014 motion for
19 reconsideration of detention); Dkt. No. 48 (7/17/2014 motion for reconsideration of
20 detention); Dkt. No. 64 (transcript of 6/27/2014 detention hearing before Magistrate Judge
21 Cousins); Dkt. Nos. 72 (partial and full transcript of 8/13/2014 hearing before Judge William
22 H. Alsup, including statement by Brugnara); Dkt. No. 75 (minute entry for 8/14/2014 bail
23 hearing before Judge Alsup, at which Mark Levinson and Kay Brugnara testified); Dkt. No.
24 92 (minute entry for 8/22/2014 bail hearing before Judge Alsup); Dkt. No. 101 (minute entry
25 for 9/3/2014 bail hearing before Magistrate Judge Cousins); Dkt. No. 110 (Brugnara motion
26 for hearing to refute economic danger); Dkt. No. 122 (minute entry for 9/12/2014 hearing,
27 with witnesses, on government motion to stay Judge Alsup's order modifying release
28 conditions).

1 As I noted at the hearing, there are some changed circumstances in the case, including
2 additional charges in a Second Superseding Indictment, but none of them materially support
3 reconsideration of the detention order. Brugnara is representing himself now, but that is not
4 a factor that supports release.

5 In summary, the Court previously considered evidence and argument about
6 Brugnara's financial and employment history, ability to access money, family, medical
7 needs, interest in retaining private counsel, a casino development deal in Nevada that
8 Brugnara says is about to close, the alleged fraud by the government's key witness, and the
9 value of a home where his wife lives. I find no reason to reopen the detention hearing or to
10 reverse the pretrial detention order. Brugnara's motion is denied.

11 Any party may appeal this decision to District Court Judge William H. Alsup.

12 IT IS SO ORDERED.

13 Date: April 3, 2015


Nathanael M. Cousins
United States Magistrate Judge